

IDEM

Nonrule Policy Document

Indiana Department of Environmental Management
Office of Land Quality
P.O. Box 6015
Indianapolis, IN 46206-6015
OLQ PH: (317) 232-8941
OLQ FAX: (317) 232-3403

Title: Management of Contaminated Wipes

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Brief Description of Subject Matter: The Indiana Department of Environmental Management (IDEM) has received numerous questions about the regulatory status of used industrial shop towels, rags, wipes, paper towels, gloves, cotton swabs, etc. ("wipes") under Resource Conservation and Recovery Act (RCRA) hazardous waste rules. Numerous industries use both disposable and reusable wipes for cleaning equipment, machinery and parts. These wipes eventually become contaminated with a variety of substances and must either be cleaned or disposed. Following is an IDEM analysis of the hazardous waste rules as they pertain to contaminated wipes.

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MANAGEMENT OF CONTAMINATED WIPES

The Indiana Department of Environmental Management (IDEM) has received numerous questions about the regulatory status of used industrial shop towels, rags, wipes, paper towels, gloves, cotton swabs, etc. ("wipes") under the Resource Conservation and Recovery Act (RCRA) hazardous waste rules. Numerous industries use both disposable and reusable wipes for cleaning equipment, machinery and parts. These wipes eventually become contaminated with a variety of substances and must either be cleaned or disposed. Following is an IDEM analysis of the hazardous waste rules as they pertain to contaminated wipes.

Wipes Intended for Disposal

Wipes contaminated with a listed hazardous waste (i.e., a hazardous waste with an "F," "K," "P," or "U" waste code) must be managed as a listed hazardous waste when disposed, or when accumulated or treated before being disposed, regardless of how the wipes became contaminated.

The wipe contains, or has been mixed with, a listed hazardous waste. The "mixture rule" at 40 CFR 261.3 (a) (2) (iii & iv) says that a solid waste mixed with a listed hazardous waste causes the entire amount of waste to be that listed hazardous waste. The only exception to this rule is a mixture of solid waste and listed hazardous waste that has been listed solely because it exhibits a characteristic.

Characteristic wastes are those that are ignitable, corrosive, reactive, or toxic as determined by the Toxicity Characteristic Leaching Procedure (TCLP) test. For example, F003 solvents are listed because of their ignitability. Wipes contaminated with F003 xylene would not be a hazardous waste if they no longer exhibited the characteristic of ignitability.

The following examples may be helpful. In practice, listed solvents (F001-5, including trichlorethylene, methylene chloride, toluene and methyl ethyl ketone (MEK)) are often applied to work surfaces or parts and then wiped off with a disposable wipe. Alternatively, listed solvents may be applied to a wipe that is then put in contact with a work surface. In either case, the constituent makeup of the wipe is essentially identical, poses the same hazards, and the resulting contaminated wipe must be managed as a listed hazardous waste when disposed. The only exception would be wipes contaminated with F003 listed solvents (see discussion above). Other examples of contaminated wipes include wipes contaminated when printing rollers are cleaned, in touch-up painting operations, in degreasing parts, when paint lines are cleaned, in circuit board processing, electric parts maintenance, and numerous other operations. The same rationale applies to wipes contaminated with other listed wastes. Wipes used to clean a sludge press may be contaminated with F006 electroplating sludge. Gloves and paper towels (wipes) may be contaminated with K051 petroleum sludge. If the wipes are going to be incinerated, fuel blended, or land disposed, they must be managed as a hazardous waste.

Wipes to be disposed which are contaminated with a characteristic waste are hazardous only if the contaminated wipe itself exhibits the characteristic of a hazardous waste.

Examples of characteristic contaminated wipes include rags which become contaminated with lead when they are used to wipe circuit boards or wipes contaminated with paint which become characteristic for MEK. It should be noted that paint contaminated wipes or other paint waste where listed solvents are merely a constituent of the paint are not listed wastes because of the ingredients. For example, paint waste consisting of paint that contains toluene, xylene, or MEK as a constituent is not a listed waste. The paint itself is not a solvent. It may, however, be characteristic for ignitability, metals, or other organic constituents.

Wipes contaminated with "thinners" may or may not be considered hazardous waste, depending on the nature of the thinner. Many thinners such as mineral spirits, turpentine, and naphtha are characteristic only for ignitability. Others "thinners" are listed wastes. It should be noted that wipes contaminated with characteristic ignitable hazardous waste would generally not be a liquid and therefore a flashpoint test to determine ignitability would not be appropriate. The contaminated wipes would only be a characteristic ignitable waste if they were subject to spontaneous combustion or ignition thru friction or moisture absorption. Wipes contaminated with a listed solvent "thinner" would be a listed hazardous waste.

Facilities have indicated that in some instances contaminants are allowed to evaporate from wipes prior to disposal and the wipes are therefore non-hazardous. This is improper treatment (evaporation) of a hazardous waste. A hazardous waste determination must be made at the point, and when, a waste is first generated. If wipes are contaminated with a listed hazardous waste, they remain a listed hazardous waste unless formally delisted pursuant to 40 CFR 260.22.

It should also be noted that all land disposal restrictions of 40 CFR 268 apply to wipes being disposed as a hazardous waste.

Wipes That Are Laundered

The U.S. EPA has previously determined, and IDEM concurs, that contaminated wipes generated as a result of normal operations which are sent to commercial industrial laundries and subsequently reused are not discarded; therefore, they are not solid wastes subject to regulation under RCRA. The IDEM has adopted this policy based on the philosophy that historically laundering has not been a waste management activity and that the amounts of contaminants normally present would be adequately regulated through the pretreatment requirements under the Clean Water Act. By the same reasoning, the exemption from RCRA regulation may extend also to wipes that are laundered by the generator, so long as wipes are reused and the laundering waste is discharged to a publicly owned wastewater treatment system subject to the Clean Water Act, or is an industrial wastewater point source discharge subject to Section 402 of the Clean Water Act (NPDES permit). The exemption from RCRA regulation would not apply if the laundering waste discharge is not regulated under the Clean Water Act, such as discharge into a septic system/leach field or unpermitted direct discharge. Wipes that will be sent to a laundry or are laundered by the generator and satisfy the RCRA exclusions specified in 40 CFR 261.4(a)(1) and (2) are not subject to RCRA accumulation requirements. Wipes should be accumulated appropriately and safely (e.g. containerized as opposed to placement in a waste pile or other land disposal unit) to prevent release of any contaminants to the environment. Even though wipes being laundered are not regulated as a hazardous waste, any release or contamination due to mismanagement of contaminated rags would be a violation of Indiana law.

Hazardous waste may not be improperly disposed by mixing with wipes to be sent to laundering facilities. Hazardous waste may not be disposed at a commercial laundry simply because it is contained in an absorbent that is to be laundered. Absorbents specifically designed to contain releases and absorb significant amounts of contaminants (e.g. pigs or booms), and wipes used to contain spills or releases, do not meet the above laundering exemption and are solid wastes subject to RCRA regulation.

Because every site is unique, some factors or situations concerning wipe management may not be addressed in this guidance document. **If you need additional information, or have any questions or concerns, please contact staff of the Industrial Waste Compliance Branch, Office of Land Quality, at 317/308-3103. The IDEM toll-free telephone number is 1-800-451-6027.**